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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s):

John L. Wasula et al.

Title:

**CUSTOMIZING DIGITAL IMAGE
TRANSFER**

Serial No. 09/990,500

Filed: November 21, 2001

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Group Art Unit: 2615

Examiner: Anthony J. Daniels

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Paula West

Name: Paula West

Date:

3-24-06

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants hereby request review of the final rejection dated December 28, 2005, in the above-identified application. A Notice of Appeal is filed concurrently herewith. The review is requested for the reasons stated in the Remarks section below.

Remarks/Arguments begin on page 2 of this paper.

REMARKS

The present application was filed November 21, 2001, and claims priority to PCT application Serial No. PCT/US00/15422, filed June 2, 2000, which claims priority to U.S. provisional application Serial No. 60/137,094, filed June 2, 1999.

Claims 1-32 are pending in the present application, with claims 1, 13, 16, 17, 20 and 21 being the independent claims.

Claims 1-5, 8, 11 and 16-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,167,469 (hereinafter "Safai '469"). Applicants respectfully traverse, for the reasons outlined in their previous response at page 10, second paragraph, to page 12, second paragraph.

The Examiner apparently argues that the "list of messages" stored in the "Out Box" data structure described at column 12, line 63, to column 13, line 6, of Safai '469 comprises a plurality of customized profiles as recited in independent claims 1, 16 and 17. See the final Office Action at pages 4-5. Applicants respectfully disagree. Safai '469 indicates that a user fills in the various fields of the Send Message screen 454 as shown in FIG. 4F, entering an email address in address field 466 and identifying one or more photos in photo field 468. The user may then activate the Store button 476. Upon activation of the Store button 476, "the transport application 230 stores information describing the photos, address, and the state of the check boxes 470, 472 in an Out Box." Safai '469 indicates that the contents of the Out Box are in the form of "a list of messages that have been configured for transmission out of the camera but that have not been sent."

It is respectfully submitted that such messages, already configured for transmission out of the camera, cannot reasonably be construed as a plurality of customized profiles as claimed. For example, in claim 1, one of the customized profiles is selected from a database, and the particular one that is selected is identified by associating its profile index with at least one captured image. The captured image is then stored with the profile index of the selected profile. This arrangement advantageously allows a user to select one of a number of previously-stored profiles for association with images that are captured subsequent to the generation of the profiles.

In Safai '469, there is no ability to do this. The only option that Safai '469 describes with regard to further processing of the stored messages in the Out Box is as follows:

In this embodiment, the top-level menu 400 may be provided with a Check Out Box option that enables the user to review the contents of the Out Box, select a message, and resume the transport process.

It is important to recognize that the user in Safai '469 is not permitted to select a stored version of the Send Message screen 454 itself as shown in FIG. 4F. Instead, the user is permitted only to select a message that was generated from one particular instance of the Send Message screen 454 and resume the transport process for that message. The selected message has already been finalized, in that the user apparently cannot modify the selected message in any way. Since the message, as indicated above, is already configured for transmission out of the camera, it cannot be associated after its retrieval from the Out Box with any photos that were not already entered in photo field 468 of Send Message screen 454 when the Store button 476 was activated. The resumption of the transport process simply allows a previously-finalized message to be sent from the Out Box. There is no ability described in Safai '469 for selecting one of the stored messages and associating an index of that message with a captured image. The message itself already contains information identifying the photos that were entered in photo field 468 when the Store button 476 was activated, and hence the message does not constitute a selected customized profile that is identified by associating its profile index with at least one captured image.

It should also be pointed out in this regard that the arrangement described in Safai '469 fails to provide the advantages of the claimed arrangements in terms of facilitating the association of pre-stored customized profiles with captured images. In Safai '469, a user apparently must populate various fields, such as 468, 470 and 472, of the Send Message screen 454 every time a message is going to be sent, even if most of the parameters are unchanged from previously-sent messages. Clearly, requiring a user to continually re-enter information into these fields of the Send Message screen 454 is inefficient. The claimed arrangements advantageously overcome

this problem of Safai '469 and the other prior art, by providing selectability of a customized profile from multiple such profiles and association of a profile index of the selected profile with one or more subsequently-captured images.

Finally, Applicants note that claims 1 and 17 include a limitation relating to the image utilization fields of a given customized profile identifying respective instructions for utilization of one or more digital images by an external device. The Examiner argues at page 3 of the final Office Action that the photo field 468 identifies "which images the computer is to display upon email retrieval" and the voice message field 470 "represents an instruction to the computer to play the voice message attached with the image(s)." Applicants respectfully disagree. These and other fields in Send Message screen 454 provide instructions to the digital camera, and not to any external device. For example, entry of photo identifiers in field 468 simply instructs the digital camera to include such images in a transmitted message; it does not instruct any external device to display or otherwise utilize the corresponding images in any particular way. The images could simply remain on the external device as unopened attachments to an email message that has been read. Similarly, checking the voice message field 470 simply instructs the digital camera to include a voice message with the identified photo(s) in a transmitted message; it does not instruct any external device to play the voice message or otherwise utilize the corresponding images in any particular way. Examples of image utilization fields that identify respective instructions for utilization of one or more digital images by an external device can be seen in FIGS. 3A and 3B of the present application, and include instructions regarding a local drive destination, a filename preface and a filename suffix, to be used for storage of the transmitted images on the external device.

The Examiner in the last portion of the first paragraph on page 3 of the final Office Action places great emphasis on the fact that FIG. 3A of the present application also includes an instruction to the digital camera to erase images after transfer. However, the limitation at issue in claims 1 and 17 calls for the image utilization fields of a given customized profile identifying respective instructions for utilization of one or more digital images by an external device. The instruction to the digital camera to erase images after transfer is not such an instruction. As indicated

above, examples of the claimed instructions directed to the external device include those instructions in FIGS. 3A and 3B regarding a local drive destination, a filename preface and a filename suffix, to be used for storage of the transmitted images on the external device.

Dependent claims 2-12, 18 and 19 are believed allowable for at least the reasons identified above with regard to their respective independent claims.

Claims 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,806,072 (hereinafter "Kuba") in view of U.S. Patent No. 6,496,222 (hereinafter "Roberts"). Applicants respectfully traverse for the reasons outlined in their previous response at page 12, sixth paragraph, to page 13, third paragraph.

In the final Office Action, at pages 12-13, the Examiner argues that IBM and Apple computers "contain different software," and therefore the codes stored in the format field 57 of data diskette 50 read on the software application program identifiers recited in claim 13. Applicants respectfully disagree. Roberts at column 12, lines 25-32, makes it clear that the codes stored in the format field 57 simply identify different "computer architectures" and not software application programs. Those skilled in the art understand that software application programs differ from operating systems or computer architectures. Also, the claim in question indicates that a plurality of software application program identifiers identify corresponding software application programs that are resident on the external device. In Roberts, since the identifier is of a particular computer architecture or operating system, there is only one such identifier associated with a given external device, which is contrary to the explicit claim language. Also, claim 13 specifies that the software application program identifiers are stored within respective customized profiles that are selectable, and can be associated with a captured image by storing a profile identifier with the image. The collective teachings of Kuba and Roberts fail to teach such selectable customized profiles.

Claim 20 stands rejected under 35 U.S.C. §103(a) over Safai '469 in view of U.S. Patent No. 6,433,818 (hereinafter "Steinberg"). Applicants respectfully traverse on the ground that the collective teachings of Safai '469 and Steinberg fail to meet the limitations of claim 20. For reasons similar to those identified above with

regard to claims 1, 16 and 17, Safai '469 fails to teach or suggest selection of one of a plurality of customized profiles, and Steinberg fails to supplement this fundamental deficiency of Safai '469.

Claims 21-32 stand rejected under §103(a) over Safai '469 in view of Kuba or Kuba and Roberts. Applicants respectfully traverse, for the reasons identified in their previous response at page 13, fifth paragraph, to page 14, first paragraph. The deficiencies of Safai '469 as applied to independent claim 21 are generally similar to those previously described herein in conjunction with claims 1, 16 and 17. The Kuba and Roberts references fails to overcome these fundamental deficiencies of Safai '469 as applied to claim 21.

Dependent claims 22-32 are believed allowable for at least the reasons identified above with regard to claim 21.

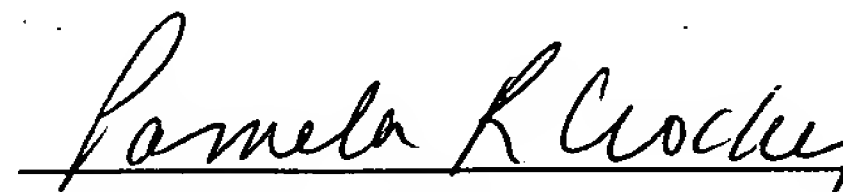
If there are any formal matters remaining after this response, Applicants' attorney would appreciate a telephone call to attend to these matters.

In view of the foregoing, this application is believe to be in condition for allowance, the notice of which is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

A duplicate copy of this communication is enclosed.

Respectfully submitted,



Pamela R. Crocker
Attorney for Applicant(s)
Registration No. 42,447

PRC:dsg
Telephone: (585) 477-0553
Facsimile: (585) 477-4646